

### Remarks / Arguments

Claims 1-5, 8, 16, 21-24, 30-39, 42, 44, 45, 47, 48, 50, 51, 53, 54, and 56 are pending in this application. Claims 6, 7, 9-15, 17-20, 25-29, 40, 41, 43, 46, 49, 52, 55, and 57-62 have been canceled, either in the present amendment or in the earlier preliminary amendment. Claims 6, 9-15, 25-29, 40, 41, and 57-62 were withdrawn by the examiner. Claims 1-4, 8, 42, 45, 48, 51, and 54 have been amended. No new matter has been added.

#### Rejection under §112, first paragraph

In the official action, the examiner has rejected claims 42-56 under §112, first paragraph on grounds of lack of enablement. In response, applicants have now amended claims 42, 45, 48, 51, and 54 to recite treatment or prophylaxis of an ischaemic disorder of the cardiovascular system, and have canceled claims 43, 46, 49, 52, and 55. Reconsideration of the enablement question with respect to the amended claims in view of the disclosure is requested.

#### Rejection on grounds of obviousness-type double patenting:

Claims 1-5, 8, 16, 21-24, and 30-39 were provisionally rejected for obviousness-type double patenting over claims 1-5, 11, and 15-18 of copending application serial No. 09/980,243. Applicants note that in the official action the serial number of the reference application was incorrectly stated as 09/980,242, which is the serial number of the present application; the remainder of the examiner's discussion of the rejection makes it clear that the intended reference application is 09/980,243.

A terminal disclaimer is being submitted with this response, obviating the rejection.

#### Claim Objections:

Claims 1-5, 8, 16, 21-24, 30-39, and 42-56 were objected to as containing non-elected subject matter, but the examiner indicated they would be allowable if rewritten to include only the elected subject matter, and to overcome the rejections under §112 and obviousness-type double patenting.



Claims 1-3 have been amended to include only the elected subject matter, and to make minor revisions of a formal nature. Claim 4 has been amended to make it formally consistent with claims 1-3 and to delete a misplaced period. Claim 5 is deemed not to require amendment as it refers to claim 1 for the definitions of various groups. Claim 8 has been amended to make revisions of a formal nature. Claims 16, 21-24, and 30-39 are deemed not to require further amendment as they refer to claims which have been amended to include only elected subject matter. The amendments to claims 42-56 have been discussed above with regard to the rejection on grounds of insufficient enablement.

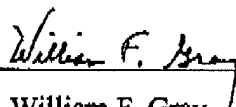
In view of the above amendments and arguments, this application is deemed to be in condition for allowance, and allowance is accordingly requested.

Respectfully submitted,

Reg. No.: 31018

Phone: (203) 812-2712

Date: 12/17/03



William F. Gray

Bayer Pharmaceuticals Corporation  
400 Morgan Lane  
West Haven, CT 06516-4175